

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JEFFROW THOMAS,)
Plaintiff,)
)
vs.) Civil Action No. 12-41
) Judge Terrence F. McVerry/
MR. JOHN WALTON, Warden; MR.) Magistrate Judge Maureen P. Kelly
STEVEN CMAR, Deputy Warden; MR.)
BILL NICHOLSON, Medical Supervisor;)
MR. MIKE KUSMA, Physician Assistant;)
MS. GAIL GASKILL, Nurse,)
Defendants.)

ORDER

AND NOW, this 29th day of May, 2013, after the Plaintiff Jeffrow Thomas, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge recommending that the Complaint be dismissed for failure to state a claim and granting the parties until May 28, 2013, to file written objections thereto, and upon consideration of the objections filed by Plaintiff, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Motion to Dismiss submitted on behalf of Defendants, ECF No. 26, is granted.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as

provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days

BY THE COURT:

/s/ Terrence F. McVerry
Terrence F. McVerry
United States District Judge

cc: Honorable Maureen P. Kelly
United States Magistrate Judge

Jeffrow Thomas
115 East 11th Avenue
Homestead, PA 15120

All Counsel of Record Via CM-ECF